

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JA'HVONT PAYNE,

Defendant.

8:20CR164

**ORDER ON APPEARANCE FOR
SUPERVISED RELEASE VIOLATION**

The defendant appeared before the Court on February 28, 2024 regarding Petition for Offender Under Supervision [141]. Yvonne Sosa represented the defendant. Kimberly Bunjer represented the government. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3).

The defendant appeared by summons, or is otherwise not in custody, and will not be detained. Therefore, the defendant does not have right to a preliminary hearing. Fed. R. Crim. P. 32.1(b)(1)(A). The Court finds the petition sets forth probable cause to believe the defendant violated the terms of supervised release. The defendant shall appear personally for a final dispositional hearing before Chief U.S. District Judge Robert F. Rossiter, Jr. in Courtroom No. 4, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 10:00 a.m. on April 10, 2024.

The government moved for detention based upon risk of flight and danger. The defendant requested a detention hearing which was held. The defendant met his burden to establish by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6). The government's motion for detention is denied, and the defendant shall be released on the current terms and conditions of supervision to include obtaining a chemical dependency evaluation within the next two weeks. 18 U.S.C. § 3143(a)(1).

IT IS SO ORDERED.

Dated this 28th day of February, 2024.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge